



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097337,675	06/22/99	JAIN	R 029318/0497

FOLEY & LARDNER  
3000 K STREET, SUITE 500  
WASHINGTON DC 20007-5109

HM12/0509

EXAMINER  
FULLIAM, A

ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 05/09/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/337,675

Applicant(s)

JAIN ET AL.

Examiner

Amy E Pulliam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-35 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14 (in part), 15, 16-17 (in part), 18-21, 22 (in part), 25-29, and 30-35 (in part), drawn to a controlled release nanoparticulate composition, and a dosage form comprising the controlled release nanoparticulate composition, a method of preparing a solid dose controlled release nanoparticulate formulation, and a method of treating a mammal comprising administering to a mammal the controlled release nanoparticulate formulation, wherein the dosage form is a tablet, or a matrix tablet, or a multilayered tablet, or a multiparticulate form wherein the form comprises discrete particles, pellets, or minitabets, classified in class 424, subclasses 464, 468, 469, 472, 474, and 489.
- II. Claims 1-14 (in part), 16-17 (in part), 22 (in part), 23, and 30-35 (in part), drawn to a controlled release nanoparticulate composition, and a dosage form comprising the controlled release nanoparticulate composition, a method of preparing a solid dose controlled release nanoparticulate formulation, and a method of treating a mammal comprising administering to a mammal the controlled release nanoparticulate formulation, wherein

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the dosage form is a gelatin capsule, classified in class 424, subclasses 415 and 457.

- III. Claims 1-14 (in part), 16-17 (in part), 22 (in part), 24, and 30-35 (in part), drawn to a controlled release nanoparticulate composition, and a dosage form comprising the controlled release nanoparticulate composition, a method of preparing a solid dose controlled release nanoparticulate formulation, and a method of treating a mammal comprising administering to a mammal the controlled release nanoparticulate formulation, wherein the dosage form is a sachet, classified in class 424, subclass 400.

Groups I-III are drawn to three separate and distinct inventions. Art anticipating or rendering obvious a tablet in any form will not anticipate or render obvious a gelatin capsule or a sachet. Each group would support separate patents.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Pulliam, whose telephone number is (703) 308-4710. The examiner can normally be reached Monday to Friday from 7:30 am to 4:00 pm.

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If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Thurman Page, can be reached at (703) 308-2927.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1234.

  
THURMAN K. PAGE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600